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Their top had dropped down. Part of the top dropped down approximately an inch from the remainder. The roof, in my opinion, had already fallen. It wasn't on the mine floor. It was leaning on what supports they had in there and the seal. It was crushing out the seal (Tr. 26).

Inspector Thompson also observed that the broken posts had not been replaced. In his opinion, the condition had been in existence for some time because the broken posts had a lot of dust on them, leading him to believe that they had been broken for at least a month to two months. The roof site was an active working place where preshift examiners and other workers were required to go on a regular basis. Inspector Thompson found an inadequate roof condition, and issued § 104(d)(1) order (No. 2144040) charging a violation of 30 C.F.R. § 75.200, alleging that this was a significant and substantial violation, that negligence was high, and that the violation was reasonably likely to result in a fatal injury.

5. On the same day Inspector Thompson issued § 104(d)(1) Order No. 2144047, alleging a violation of 30 C.F.R. § 75.303, as follows:

The preshift examination made by Dayton Lane on 10/10 and 10/11/84 for No. 7 seal in Main East area was inadequate in that No. 7 seal was leaking excessively (more than 5% methane was detected) and the mine roof was inadequately supported and Mr. Lane certified this area to be clear.

Inspector Thompson testified that he tested the air for methane about six feet from the No. 7 seal and detected methane in the area. He took a bottle sample which, when analyzed, showed a methane level of 5.64 and oxygen level of 19.21 (Ex. G-9). This was an explosive level of methane and a low level of oxygen.

6. The preshift examiner, Dayton Lane, had certified the area to be clear during the examination he conducted between 5:00 and 7:50 a.m. on October 11, 1984 (Ex. G-15).